

**David R. Boyajian**, OSB #112582

Email: [dboyajian@schwabe.com](mailto:dboyajian@schwabe.com)

**Kent Roberts**, OSB #801010

Email: [ckroberts@schwabe.com](mailto:ckroberts@schwabe.com)

SCHWABE, WILLIAMSON & WYATT, P.C.

1211 SW 5th Ave., Suite 1900

Portland, OR 97204

Telephone: 503.222.9981

Facsimile: 503.796.2900

*Attorneys for Plaintiff*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

PACIFIC GULF SHIPPING CO.,

Plaintiff,

v.

ADAMASTOS SHIPPING & TRADING  
S.A., VIGOROUS SHIPPING & TRADING  
S.A., BLUE WALL SHIPPING LTD., and  
PHOENIX SHIPPING & TRADING S.A.,

Defendants.

§ Case No. 3: 18-cv-02076-MO

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ORDER AUTHORIZING  
ISSUANCE OF PROCESS OF MARITIME  
ATTACHMENT AND  
GARNISHMENT  
  
IN ADMIRALTY

Having reviewed and considered Plaintiff, PACIFIC GULF SHIPPING CO.'s, Motion for Issuance of Process of Maritime Attachment and Garnishment of and Plaintiff's Verified Complaint, together with the Attorney Declaration that Defendants cannot be found in the District, and finding that the conditions of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure appear to exist, the Court hereby:

**ORDERS** the Clerk to issue Process of Maritime Attachment and Garnishment as prayed for in the Verified Complaint against all property, tangible or intangible, belonging to Defendants ADAMASTOS SHIPPING & TRADING S.A., VIGOROUS SHIPPING & TRADING S.A., BLUE WALL SHIPPING LTD., and PHOENIX SHIPPING & TRADING S.A., to wit: the M/V VIGOROUS, IMO Number 9298521, her engines, boilers, tackle, apparel, and all necessary appurtenances thereto, as well as debts, credits, or effects including but not limited to accounts, checks, disbursement advances, payments, property on board the M/V VIGOROUS which is currently located within the District of Oregon in an amount up to **USD 22,609,880.98** pursuant to Supplemental Rule B; and

**ORDERS** that the Clerk of the Court shall issue further, supplementary writs of maritime attachment and garnishment, on request of the Plaintiff and without further Order of the Court; and

**ORDERS** that the United States Marshal and/or any Substitute Custodian, which is subsequently appointed by this Court, is authorized to allow the M/V VIGOROUS to conduct normal cargo operations, both discharging and loading, repair works, and to shift berths (consistent with the U.S. Marshal's requirements), always remaining within this judicial district, and always at the risk and expense of the vessel's interests; and

**ORDERS** that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment.


**ORDERS** that the U.S. Marshal is released and held harmless for any and all costs, fees, liabilities, or other expenses in any way arising out of the attachment of the M/V VIGOROUS; and

**ORDERS** that the charges and expenses incurred by the U.S. Marshal shall be deemed *in custodia legis*, and will be paid from the proceeds of the vessel's sale unless otherwise agreed. If a written objection is timely filed, payment of the disputed charges only shall be made after the objection is resolved by agreement of the parties or by Court Order. Payment of the undisputed charges shall not be affected; and

**ORDERS** that any property of the Defendants, specifically the M/V VIGOROUS, her engines, boilers, tackle, apparel, and all necessary appurtenances thereto, as well as debts, credits, or effects including but not limited to accounts, checks, disbursement advances, payments, property on board the M/V VIGOROUS as well as any tangible or intangible property of Defendants in the possession of its steamship agents, may be released from attachment without further order of this Court, if the U.S. Marshal receives written authorization to do so from the attorney who requested the attachment and garnishment, stating that he has conferred with all attorneys representing parties to the litigation, and they consent to the request for the release, and also provided that the Court has not entered any subsequent orders modifying this arrangement for the release of the property which was attached pursuant to this Order; and Plaintiff shall hold harmless and indemnify the United States of America, the United States Marshal, their agents, servants, employees, from any and all claims arising from the attachment and release of the vessel as is herein specifically provided; and

**ORDERS** that any person claiming an interest in the property attached or garnished pursuant to order upon application of the Court, be entitled to a prompt hearing in which Plaintiff shall be required to show why the attachment or garnishment should not be vacated or other relief granted;

SIGNED at Portland, Oregon this 3 day of December 2018.

  
UNITED STATES DISTRICT COURT JUDGE

**Presented by:**

David R. Boyajian, OSB #112582  
Email: [dboyajian@schwabe.com](mailto:dboyajian@schwabe.com)  
**Kent Roberts**, OSB #801010  
Email: [ckroberts@schwabe.com](mailto:ckroberts@schwabe.com)  
SCHWABE, WILLIAMSON & WYATT, P.C.  
1211 SW 5th Ave., Suite 1900  
Portland, OR 97204  
Telephone: 503.222.9981  
Facsimile: 503.796.2900

*Attorneys for Plaintiff*

*Of Counsel*  
CHALOS & CO, P.C.  
Briton P. Sparkman  
*Pro Hac Vice Application Forthcoming*  
*Attorney for Plaintiff*  
7210 Tickner Street  
Houston, Texas 77055  
Telephone: (516) 714-4300  
Email: [bsparkman@chaloslaw.com](mailto:bsparkman@chaloslaw.com)